COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 859 (S/S) of 2001

State of Uttaranchal through Executive Engineer, Maneri Bhali, Upnives Khand, Maneri, Uttarakashi

..... Petitioner

Versus

1. Presiding Officer, Labour Court, Dehradun
2. Dinesh Prasad Joshi S/o Uma Dutt Joshi, R/o Upnivesh Khand, Maneri, Uttarkashi

..... Respondents.

Shri Nand Prasad, learned standing counsel for the petitioner.

Shri C.D. Bhauguna, learned counsel for Respondent No. 2

Dated: 03.10.2005

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner-seeking writ of Certiorari quashing the impugned judgment and order dated 12.07.2000 passed by Respondent No. 1 in Misc Case No. 37 of 2000, whereby the learned labour court has directed the petitioner to give pay scale of Rs 3050-4590/- to the Respondent No. 2 and he may be given the sanctioned increment on the said pay scale.

2. Brief facts of the case according are that respondent no. 2 filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947 ***(hereinafter will be referred to as the Act)*** claiming therein that he is entitled to get pay scale of Rs.3050-4590/- but he is being paid the scale of only Rs.2750-4400/-and as such, he may be paid the dues of salary for which he is entitled. The petitioner in his written statement pleaded before the Labour Court that the Respondent No.2 was appointed on 12.12.1978 on the post of Carpenter Grade-II in the work charge establishment in the pay scale of Rs.175-250/- which was subsequently revised w.e.f. 01.07.1979 to Rs.330-445/-, w.e.f. 01.01.1986 it was revised upto 825-

1200/- and w.e.f. 01.01.1996 the same increased to Rs.2700-4400/- and since then the Respondent No.2 is getting increment w.e.f. 01.01.2000 and his basic pay is Rs.3100/-. The learned Labour Court after perusing the entire evidence on record directed the petitioner to give pay scale of Rs.3050-4590/- to the Respondent No.2. Feeling aggrieved, the petitioner has come up in the writ petition.

3. I have heard learned counsel for the parties and perused the entire evidence on record.

4. The learned Tribunal on the basis of the office memorandum dated 25.10.1995 issued by Executive Engineer, Maneribhali by which the pay scale of post of Carpenter Grade-I has been shown to be Rs.950-1500 and vide Government Order dated 26.08.1999 by which the same has been revised upto Rs.3050-4590 has recorded the finding that the workman was having prescribed educational and technical qualification and hence he was entitled to receive the pay scale of Rs 3050-4590 instead of Rs.2750-4400. Accordingly, the learned Tribunal directed the petitioner to give revised pay scale of Rs.3050-4590/- to the workman and further directed the petitioner to give the arrears of the salary to him on the pay scale of Rs.3050-4590 within a period of one month with a cost of Rs.500/-.

5. I do not find any perversity or illegality in the order impugned. The findings recorded by learned Tribunal are findings of fact and does not call for any interference.

6. Therefore, the writ petition is devoid of merit and is hereby dismissed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang